

U.S. Patent Application No. 10/723,208
Amendment dated June 1, 2005
Reply to Office Action of April 8, 2005

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what the applicants regard as their invention. In particular, claims 1, 2, 4, 6, 9 and 10 are amended to provide that R³ is C₁₋₃alkyl. Full support for these amendments can be found throughout the present application including the claims as originally filed. For example, in formula I as described at the bottom of page 4 to the top of page 5 of the present application, it is provided that R³ can be C₁₋₃alkyl. The provision that R³ can be C₁₋₃ alkyl also appears in original claims 2, 4, and 6. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

Rejection of Claims 1, 2, 7, 9 and 10 under 35 U.S.C. §102(b) over GB 1,005,024

At the bottom of page 2 of the Office Action, the Examiner rejected claims 1, 2, 7, 9 and 10 under 35 U.S.C. §102(b) as being anticipated by GB 1,005,024. The Examiner alleged that GB 1,005,024 teaches compounds that read on the claimed formula of claim 1 wherein R¹ and R³ represent H, R² is an alkyl group, R⁴ is OH, R⁵ is OMe, A is H and Aryl is a phenyl group. The Examiner further alleges that GB 1,005,024 teaches a pharmaceutical use of the compounds.

For the following reasons, this rejection is respectfully traversed.

Claims 1, 2, 9, and 10 recite that R³ is C₁₋₃alkyl. Since GB 1,005,024 does not teach or suggest any compound represented by formula I of the present claims wherein R³ is C₁₋₃alkyl, claims 1, 2, 7, 9, and 10 are clearly not anticipated by or rendered obvious over GB 1,005,024.

Withdrawal of the rejection is respectfully requested.

Moreover, Applicants specifically request that upon allowance of the compound claims,

U.S. Patent Application No. 10/723,208
Amendment dated June 1, 2005
Reply to Office Action of April 8, 2005

the Examiner rejoin and allow all of the method claims, including claims 3 - 6, 8, and 11 - 14.

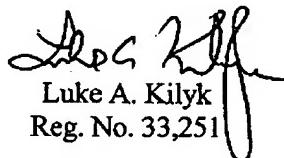
The method claims 4 and 6 are amended herein so that the method claims remain commensurate in scope with the compound and composition claims.

CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

Atty. Docket No. 2162 (3010-009-01)
KILYK & BOWERSOX, P.L.L.C.
53 A East Lee Street
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720